

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

JOSE RUIZ SOLORIO,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

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No. 3:12-cv-226

Judge Trauger

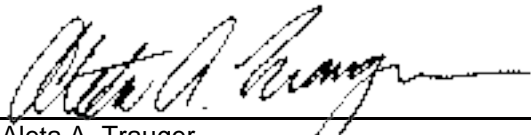
**ORDER**

On March 30, 2012, this court entered an order dismissing the underlying *pro se* § 2255 motion filed by Jose Ruiz Solorio as barred by the statute of limitations. The order of dismissal did not specify whether a Certificate of Appealability was issued or denied, as is required by Rule 11(a) of the Rules Governing § 2255 Proceedings. A certificate should issue only if the movant has demonstrated a "substantial showing of a denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Because the motion in this case was clearly barred by the statute of limitations, and because the issues raised in the § 2255 motion are without merit, the Court **DENIES** a Certificate of Appealability.

Mr. Solorio has now filed a Notice of Appeal. Because the court has declined to issue a Certificate of Appealability, Mr. Solorio is hereby given notice that he cannot appeal the order of dismissal unless he obtains a Certificate of Appealability from the Sixth Circuit Court of Appeals under Rule 22(b) of the Federal Rules of Appellate Procedure.. See *also* Rule 11(a), Rules Gov'g § 2255 Proceedings; 28 U.S.C. § 2253(c). In addition, to pursue his appeal, Mr. Solorio must either submit the \$455 fee or obtain leave to proceed on appeal without prepaying fees and costs. Fed. R. App. P. 24.

The Clerk is **DIRECTED** to give notice to the Sixth Circuit Court of Appeals of this Order and the order dismissing the underlying motion (ECF No. 5), along with Mr. Solorio's Notice of Appeal.

It is so **ORDERED**.

  
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Aleta A. Trauger  
United States District Judge